

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Serial No.:</b>	09/972,549	<b>Conf. No.:</b>	4416
<b>Filing Date:</b>	10/05/2001	<b>Art Unit:</b>	2176
<b>Applicant:</b>	Warrington	<b>Examiner:</b>	Sain, Gautam
<b>Title:</b>	SYSTEM AND METHOD FOR MANAGING WEB PAGE COMPONENTS	<b>Docket No.:</b>	CA920000036US1 (IBMR-0118)

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

Applicant respectfully requests a panel of experienced examiners perform a detailed review of appealable issues for the above-identified patent application pursuant to the Pre-Appeal Brief Conference Pilot Program. Applicant submits that the above-identified application is not in condition for appeal because the Office has failed to establish a *prima facie* case of obviousness based on an error in facts. Claims 1-36 are pending in this application.

Turning to the rejection, in the Final Office Action, claims 1, 2, 4-15 and 27 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Timbol (U.S. Patent No. 6,237,135), hereafter “Ttimbol,” in view of Landsman *et al.* (U.S. Patent No. 6,314,451), hereafter “Landsman,” and further in view of Lo (U.S. Patent No. 6,738,804), hereafter “Lo,” and further in view of Strandberg *et al.* (U.S. Patent No. 6,816,880), hereafter “Strandberg,” and further in view of Hui (U.S. Patent Pub. No. 2004/0163045), hereafter “Hui.” Claims 16, 19, 20, 23-26 and 28 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Timbol

in view of Lo and further in view of Strandberg and further in view of Hui. Claims 29-31 and 34-36 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Timbol in view of Landsman and further in view of Strandberg and further in view of Hui. Claims 17, 18 and 22 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Timbol in view of Lo, Strandberg and Landsman and further in view of Hui. Claim 3 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Timbol in view of Landsman, Lo, Strandberg, and Hui and further in view of Ireland *et al.* (U.S. Patent No. 6,266,666), hereafter “Ireland.” Claim 21 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Timbol in view of Lo, Strandberg, Hui and Ireland. Claims 32 and 33 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Timbol in view of Landsman, Strandberg, and Hui and further in view of Saboff (U.S. Patent No. 6,154,878), hereafter “Saboff.”

Applicant submits that these rejections are clearly not proper and without basis because at least one claim limitation is not met by the combined features of the references cited by the Office. As argued in the December 22, 2005 Amendment, the cited references fail to teach or suggest each and every element of independent claim 1. In particular, the cited references fail to teach or suggest writing information to a web page source file, wherein the web page source file is a file that is separate from the web page and that is used to generate the web page and define functionality of the web page as well as other web pages. See December 22, 2005 Amendment, page 13, paragraph 1. The Office admits that Timbol, Landsman, and Lo do not expressly this limitation, but instead relies upon Strandberg for the writing of information and Hui for an HTML source file which includes data specifying particular items to be included in the page. The Office states that Strandberg teaches accessing data from multiple sources simultaneously to display interactively on the web page. However, even assuming, *inter alia*, that the Office’s

interpretation of Strandberg is correct, this interpretation does not include writing of information to the multiple sources from which the web page gets its information. Furthermore, these files of Strandberg from which the web page gets its information are non-analogous to the source file of Hui and, as such the combination of the two would be inappropriate.

As further argued in the December 22, 2005 Amendment, the cited references fail to teach or suggest each and every element of independent claim 13. In particular, the cited references fail to teach or suggest automatically retrieving from the web page source file one or more configurable properties of the configurable reusable component for use in the newer version of the reusable software component. See December 22, 2005 Amendment, page 13, paragraph 2. Instead, the passage of Lo cited by the Office teaches re-rendering data that is displayed on a web page in data elements. To this extent, the re-rendering of Lo affects only displayed data and not a reusable software component. As such, Lo does not teach that software components that are running on the web page change, but rather only the data that is displayed is re-rendered. Furthermore, Lo also does not teach that this data has one or more configurable properties or that properties of the former data elements are retrieved from a web source file for use in the updated data.

Accordingly, the Office has failed to state a *prima facie* case of anticipation, and this application is not in condition for appeal and should either be allowed as is, or re-opened for further prosecution.

With respect to the rejections of independent claims 16, 19, 23 and 29, Applicant notes that each claim includes a feature similar in scope to the writing to the web page source file of claim 1. Further, the Office relies on the same arguments and interpretations of the cited references as discussed above with respect to claim 1. Additionally, with respect to the

rejections of independent claims 16 and 29, Applicant notes that each claim includes a feature similar in scope to the replacing of the reusable software component of claim 13. Further, the Office relies on the same arguments and interpretations of the cited references as discussed above with respect to claim 13. To this extent, Applicant herein incorporates the arguments presented above with respect to claim 1, and respectfully request withdrawal of the rejections of these claims for the above-stated reasons.

The dependent claims are believed to be allowable based on the above arguments regarding the claims from which they depend, as well as for their own additional features.

With further regard to the rejection as a whole, Applicant notes that the Office's rejection of independent claim 1 seeks to combine five different references to support its obviousness rejection, and six or more references for other claims. To this extent, Applicant submits that it is unfathomable how the Office can maintain its contention that there is motivation or suggestion in the references themselves or elsewhere to combine such diverse references. This is further accentuated by the fact that each of the references performs a vastly different task. Accordingly, Applicant submits that the combinations that underlie the Office's rejections are flawed.

Applicant respectfully submits that the application is not in condition for appeal. Should the examining panel believe that anything further is necessary to place the application in better condition for allowance or for appeal, they are requested to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



Date: July 6, 2006

---

Hunter E. Webb  
Reg. No.: 54,593

Hoffman, Warnick & D'Alessandro LLC  
Three E-Comm Square  
Albany, New York 12207  
(518) 449-0044  
(518) 449-0047 (fax)

RAD/hew